

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 14, 2006
8:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Late arrivals: Melina Castro at 8:06 a.m. and Presi Ortega, Jr. at 8:10 a.m. Early departure: Representative Presi Ortega at 1:25 p.m. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. NATIONAL GIRLS AND WOMEN IN SPORTS DAY
2. STATE OF TEXAS ANNIVERSARY REMEMBRANCE (STAR) DAY 2006
Motion made, seconded, and unanimously carried to delete the proclamation.
3. "DR. MILTON WALKER DAY"

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Ms. Lisa Turner commented on the prices in the downstairs "food area".

Representatives Holguin and Lozano commented.
Ms. Joyce Wilson, City Manager, commented.

2. Mr. Aaron Hernandez and Cynthia Morales commented on "V" day in regards to the Center Against Family Violence.
3. Ms. Suzanne Lozano and students from the School of Enlightenment commented.
4. Ms. Paula Villalobos commented on the Mayor's blood drive.

5. Ms. Loy Doty commented on arroyo preservation.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Presi Ortega, Jr. was not present for the vote.

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*Motion made, seconded and carried to **APPROVE** the Minutes for Regular City Council Meeting of February 7, 2006 and Special City Council Meeting Minutes of January 9, 2006 (agenda review) and January 23, 2006 (agenda review).
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That The City Manager Be Authorized To Sign An Agreement For Architectural Services Between The City Of El Paso And Parkhill Smith & Cooper, Inc. For A Project Known As The "Paso Del Norte Facility Improvements" In An Amount Not To Exceed Two Hundred Seventy-Seven Thousand Two Hundred Ninety-Five And 00/100 Dollars (\$277,295.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement between the City and the El Paso Archeological Society, Inc. to allow the Society to use El Paso Museum of Archeology rooms for the purposes of conducting weekly meetings, monthly board meetings, monthly public meetings and utilization of the laboratory area in exchange for the Society providing financial support and assistance to the Museum.

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*Motion made, seconded and unanimously carried to **APPOINT** Irasema Coronado to the Brownfields Redevelopment Board, by Representative Eddie Holguin Jr., District 6.

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*Motion made, seconded and unanimously carried to **APPOINT** Esther Perez to the Retired and Senior Volunteer Program Advisory Council by Representative Susie Byrd, District 2.

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*Motion made, seconded and unanimously carried to **APPOINT** Billie Brown to the Community Development Steering Committee by Representative Melina Castro, District 4.

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*Motion made, seconded and unanimously carried to **DELETE** the appointment of Edward Moreno to the Cultural Affairs Advisory Board by Representative Melina Castro, District 4.

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*Motion made, seconded and unanimously carried to **APPOINT** Susan Leech to the City Accessibility Advisory Committee by Representative Melina Castro, District 4.

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*Motion made, seconded and unanimously carried to **APPROVE** the request that the Deputy Director, Financial Services, Purchasing Division be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from May 1, 2006, through April 30, 2007, pursuant to the provisions of contract 2003-073 Janitorial Services for the City of El Paso Parks Department (Armijo, Chihuahuita,

Seville Community Centers), with Anna's Cleaning Services, Maheir Janitorial Services, and C&L Company all of El Paso Texas.

Option No: ONE [OF TWO]
Amount of Award: \$34,016.60 Est.
Account No: 51010256-01101-502206
Funding Source: Operating Funds – Janitorial Maintenance Service Contract
Department: Parks and Recreation

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*Motion made, seconded and unanimously carried to **DELETE** the request that the Deputy Director, Financial Services, Purchasing Division be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from May 1, 2006, through April 30, 2007, pursuant to the provisions of contract 2003-104 Ground Maintenance for City Facilities, with Ledesma's Tree & Garden Service, El Paso, Texas.

Option No: ONE [OF TWO]
Amount of Award: \$12,502.44 Est.
Account No: 31010326-01101-502221
Funding Source: Operating Funds – Groundskeeping/Horticultural Contracts
Department: General Services – Maintenance Division

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*Motion made, seconded and unanimously carried to **APPROVE** the request that the Deputy Director- Financial Services be authorized to exercise the City's option to extend the term of the agreement for two additional years from April 13, 2006 to April 12, 2008 pursuant to the provisions of Contract 2004-094-C1 and C2 with 3M Company, St. Paul, MN, and Nippon Carbide Industries (USA), Inc., Rancho Dominguez, CA, for Traffic Sign Material.

Option No: ONE [OF ONE]
Amount of Award: \$180,000.00 – Total two year estimate – 3M Company
Amount of Award: \$20,000.00 – Total two year estimate – Nippon Carbide Industries (USA), Inc.
Account No: 32010287-503203-01101
Funding Source: Public Access – Maintenance and Repair
Department: Street

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*Motion made, seconded and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2006-065 Electric Cart Operator Services

Award to: RMPersonnel, Inc.
El Paso, TX
Item(s): 1
Amount: \$87,184.50 (estimated)
Department: Aviation
Funds available: 62620003-503121-40101
Funding source: Airport Operating Funds
Total award: \$87,184.50 (estimated)
District (s): 3

The Department of Aviation and the Financial Services Department-Purchasing Division recommend award as indicated as this vendor has provided the Best Value Bid.

This is a Thirty-Six (36) month requirements-type Contract for the Department of Aviation.

Vendor offers the City the option of extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award. Vendor also offers the City a prompt payment discount of 1% ten days.

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*Motion made, seconded and unanimously carried to **AWARD** Solicitation No. 2006-052 Body Armor

Award to: Uniforms of Texas
El Paso, Texas
Item(s): Group I, #1, Group II, #1 thru #4
Amount: \$139,650.00 (estimated)
Department: Police
Funds available: 21010060-503120-01101
Funding source: Uniforms and Apparels – General Fund
Total award: \$139,650.00 (estimated)
District (s): All

Police Department and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made, seconded and unanimously carried to **APPROVE** budget transfer BT2006-389 ENGINEERING

Engineering proposes to appropriate \$20,580 for installation of one school flasher near Sierra Vista Elementary and Walter E. Clark Middle Schools on Vista Del Sol Drive, and \$37,500 for installation of two school flashers for El Dorado High School on Edgemere Blvd. Funding source is Socorro Independent School District.

Increase \$58,080 to 31255004/PPW005227691/405067 Reimb Expend
Increase \$58,080 to 31255004/PPW005227691/508027Construction

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*Motion made, seconded and unanimously carried to **APPROVE** the request of Parkinson’s Support Group “Hope” of El Paso Texas to hold a walk / bazaar on April 22, 2006 from 9:00 a.m. to 4:00 p.m. Route: Start at Highlands Hospital – 1395 George Dieter, turn right on George Dieter (sidewalk only) to Rojas, turn right on Rojas to Pendale, turn right on Pendale to George Dieter, turn right on George Dieter and finish at Highlands Hospital. Approximately 100 persons will take part and 75 spectators are anticipated. PERMIT # 06-004 [Aurelio Hernandez]

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*Motion made, seconded and unanimously carried to **APPROVE** the request of Grace Christian Center to use amplification (2 microphones and 2 speakers) at Lincoln Park – 4001 Durazno on April 8, 2006 from 12:00 p.m. to 4:00 p.m. for an Easter egg hunt. Approximately 20 persons will take part and 300 spectators are anticipated. PERMIT # 06-005 [Christopher Acosta]

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1st MOTION

Motion made by Representative Holguin, seconded by Representative Castro to postpone Item E for one (1) week.

The motion failed.

Mayor Cook and Representatives Holguin, Lozano, Steve Ortega, O’Rourke, Presi Ortega, Jr. and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Patricia Adauto, Deputy City Manager for Infrastructure and Development
3. Mr. Charlie McNabb, City Attorney

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Lozano, Castro and Holguin

- A. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on certain streets) to add a new Location on Heisig Avenue. The Penalty being as provided in Section 12.84.010 of The El Paso City Code.
- B. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on certain streets) to add a new Location on Oregon Street from University Avenue to a point 380' Northwest, West Side Only. The Penalty being as provided in Section 12.84.010 of The El Paso City Code.
- C. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - tow- away zone), Subsection (A) of The El Paso City Code, by adding a new location on Bartlett Drive, from Mesa Street to Le Conte Drive, both sides. The Penalty being as provided in section 12.88.180 of The El Paso City Code.
- D. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso Municipal Code, To revise Zone A: No Parking, Seven a.m. to Six p.m., Monday through Friday, to exclude the Southside of Heisig Avenue and to Include an Additional Area bounded by West Yandell Drive, Lawton Drive, Upson Drive and West Yandell Drive. The Penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code.
- E. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication) by amending Subsection 19.12.030 A. (Parkland Calculation) in order to increase the amount of parkland required to be deeded to the City; amending Subsection 19.12.050 A. (Standards for Deeded Parkland) to require that parkland dedicated to the City be located in accessible locations within new development and clarifying the duties of the Director of Parks and Recreation regarding the location and acceptance of parkland; and amending Subsections 19.12.100A. and B. (Fee In Lieu of Parkland Dedication) in order to increase the park fee to be paid to the City in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 28, 2006 FOR ITEMS A - E

- F. An Ordinance amending Ordinance No. 009543 which changed the zoning of all of Lots 2 and 3 and a Portion of Lot 4, Block 2, Americas Industrial Park, El Paso, El Paso County, Texas, and which imposed certain conditions, by partially releasing the condition thereof. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 9560 Joe Rodriguez Dr. Applicant Verde 9600-9660 Joe Rodriguez Dr LP. ZON05-00144.

- G. An Ordinance granting Special Permit No. ZON05-00149, to allow for a Planned Residential Development on a portion of Tracts 1D, 2D, 3D, and 4D First Supplemental Map of Parkland Addition, and a portion of Lot 1, Block 1, Goldberg and Lehman Subdivision, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Railroad and Transmountain. Applicants: Black Sea Acquisition, LP. ZON05-00149.
- H. An Ordinance changing the zoning of Lot 3, Block 10, I-10 Industrial Park, Replat A, El Paso, El Paso County, Texas, from M-1/SC (Light Manufacturing/Special Contract) to C-4/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property 1140 Burgundy Dr. Applicant: I-10 Joint Venture. ZON05-00154

PUBLIC HEARING WILL BE HELD ON MARCH 7, 2006 FOR ITEMS F - H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the Upper Mesa Hills Neighborhood Association and the El Paso Community Foundation have organized a citizen's group (the "Neighborhood") to purchase a 25-acre site commonly known as the Thunder Canyon Arroyo ("Thunder Canyon") to protect the natural beauty of the arroyo, preserve the habitat of the wildlife and maintain open space for the surrounding neighborhoods;

WHEREAS, the owner of Thunder Canyon, Willis Homes of El Paso, has agreed to delay development of the site to allow the Neighborhood time to raise the funds to purchase it; and

WHEREAS, the Neighborhood has secured pledges in excess of One Hundred Thousand Dollars (\$100,000.00) for the purchase but needs additional time to gather the remaining funds and has requested the City of El Paso create a Public Improvement District ("PID") for the purpose of purchasing Thunder Canyon.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be directed to identify available City funds to finance the purchase of Thunder Canyon including, but not limited to, the creation of a PID.

Mayor Cook and Representatives Lozano, Lilly, O'Rourke, Steve Ortega, Byrd, Presi Ortega, Jr., Castro and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney stated for the record that the City would acquire property if a Public Information District is formed.

Mr. Paul Braden, Outside Bond Counsel, commented.

The following members of the public commented:

1. Ms. Amy Shoemaker
2. Mr. Charlie Wakeem
3. Mr. Bill Addington
4. Ms. Lisa Turner
5. Ms. Loy Doty
6. Mr. David Turner
7. Dr. Richard Teschen
8. Mr. Richard Schechter
9. Mr. Blake Barrow

1ST MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd and unanimously carried to **SUSPEND THE RULES OF ORDER** to limit public comment to three (3) minutes.

2ND AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representative Castro
ABSTAIN: Representative Holguin

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RESOLUTION

WHEREAS, there have been numerous public meetings in which the creation of a regional mobility authority for the El Paso area has been discussed, including the following: (i) Legislative Review Committee meetings of the El Paso City Council on January 13, 2006 and February 10, 2006; (ii) a Special El Paso City Council meeting on January 30, 2006; and (iii) additional public information meetings held by the Mayor's Transportation Cabinet on January 25, 2006 and January 26, 2006; and

WHEREAS, the City Council of the City of El Paso also discussed the creation of a regional mobility authority during its Regular City Council meeting of February 14, 2006, at the conclusion of which a motion was made, seconded, and approved to recommend that the City Council of the City of El Paso submit a petition to the Texas Transportation Commission, authorizing the City of El Paso to create a regional mobility authority; and

WHEREAS, the City of El Paso seeks to establish a regional mobility authority in order to directly benefit the State of Texas, the City of El Paso, and the traveling public through the improvement of the state's transportation systems in and around the City of El Paso; and

WHEREAS, the City of El Paso is required by Chapter 370 of the Texas Transportation Code and Section 26.11(b) of Chapter 26 of Title 43 of the Texas Administrative Code to petition the Texas Transportation Commission of the Texas Department of Transportation for the approval to create a regional mobility authority; and

WHEREAS, the creation of a regional mobility authority by the City of El Paso requires the prior approval of the Texas Transportation Commission in response to said petition;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City of El Paso hereby expresses its interest, approval, and support of the creation of the Camino Real Regional Mobility Authority for the El Paso region, in accordance with Chapter 370 of the Texas Transportation Code and Title 43, Chapter 26 of the Texas Administrative Code;
2. That, consistent with the City of El Paso's stated policy goals of becoming the least car-dependent city in the Southwest United States and the premier, just-in-time port, the City of El Paso hereby expresses its intent that the Camino Real Regional Mobility Authority consider these stated policy goals in its operation, including the selection and prosecution of transportation projects;
3. That the City of El Paso hereby expresses its intent that no existing vehicular travel lanes of a non-toll roadway shall ever be converted into toll lanes by the Camino Real Regional Mobility Authority and that in the selection and prosecution of transportation projects, the Camino Real Regional Mobility Authority shall limit any tolling to only those new transportation projects constructed by the Camino Real Regional Mobility Authority; and
4. That the Mayor of the City of El Paso is hereby authorized to execute and submit the City's "Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority" to the Texas Transportation Commission in substantially the same form as attached hereto.

Mayor Cook and Representatives Lozano, Byrd, Steve Ortega, Castro, Presi Ortega, Jr., O'Rourke, Holguin

The following members of City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Raymond Telles, Assistant City Attorney

Mr. Chuck Berry, District Engineer for TXDOT in El Paso responded to questions from Council and the public.

The following members of the public commented:

1. Mr. William Hart, Jr.
2. Mr. Charlie Wakeem
3. Mr. Bill Addington
4. Ms. Mary Francis Keisling
5. Mr. Brad McClellan
6. Ms. Lisa Turner
7. Mr. Miguel A. Rodriguez
8. Ms. Concepcion Flores
9. Ms. Ana Duenez
10. Mr. Richard Schechter
11. Mr. Ray Gilbert
12. Ms. Cherie Esparza
13. Mr. Troy Hicks
14. Mr. Clark Peters

1ST MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and unanimously carried to **SUSPEND THE RULES OF ORDER** to limit public comment to three (3) minutes.

2ND MOTION

Motion made by Representative Castro, seconded by Representative Holguin and carried to **ALLOW** Mr. William Hart, Jr. an additional two (2) minutes to speak.

AYES: Representative Lilly, Lozano, Castro, Holguin and O'Rourke

NAYS: Representative Byrd, Presi Ortega, Jr. and Steve Ortega

3RD MOTION

Motion made by Representative Byrd, seconded by Representative Holguin and unanimously carried to **ALLOW** each speaker five (5) minutes to speak.

4TH MOTION

Motion made by Representative Holguin, seconded by Representative Lozano and carried to **ALLOW** Mr. Brad McClellan an additional thirty (30) seconds to speak.

AYES: Representative Byrd, Lozano, Castro, Holguin, Presi Ortega, Jr., and Steve Ortega

NAYS: Representative Lilly and O'Rourke

5TH MOTION

Motion made Representative Lozano, seconded by Representative Holguin to postpone the item for eight (8) weeks.

The motion failed.

6TH AND FINAL MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution with revisions read into the record by Assistant City Attorney Raymond Telles and to approve the revised petition with the value statements read into the record by Representative Steve Ortega.

AYES: Representative Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representative Lozano, Castro and Holguin

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ITEM:

Discussion and action on proposed text revisions to Title 20 (Zoning) as recommended by the Building & Zoning Advisory Committee: Zoning Classification of Annexed Properties, Section 20.08.060 (Annexation).

Mayor Cook and Representatives Steve Ortega and Castro commented.

The following members of City staff commented:

1. Ms. Patricia Adatao, Deputy City Manager for Infrastructure and Development
2. Ms. Joyce Wilson, City Manager

The following members of the public commented:

1. Mr. Richard Schechter
2. Ms. Lisa Turner

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and carried to **APPROVE** that the proposed text revisions to Title 20 (Zoning) as recommended by the Building & Zoning Advisory Committee: Zoning Classification of Annexed Properties, Section 20.08.060 (Annexation) be placed as an introduction of an ordinance on next week's agenda.

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ITEM:

Solicitation No. 2006-015 Single Stream Curbside Recycling Collection and Processing Services

Award to: Friedman Recycling Co.
Phoenix, AZ

Item(s): Recycling Processing Services

Amount: Revenue \$876,000.00 Est/Year

Department: Environmental Services

Funds available: 34010293-40403-403142

Funding source: Environmental Services, Recycling Revenue

Total award: Revenue \$876,000.00 Est/Year

District(s): All

Environmental Service Department, RW Beck, Consultant and Financial Services, Purchasing Division recommends award as indicated. Friedman Recycling Co. provided the bid that meets all requirements of the Processing specifications.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and that the City Manager be authorized to sign any and all additional contract documents and agreements as necessary. This is a fifteen (15) year contract.

The Collection portion of this solicitation is not being awarded and bids for that are rejected.

Representatives Lozano, Holguin, and Castro commented.

The following members of City staff commented:

1. Ms. Ellen Smyth, Environmental Services
2. Ms. Joyce Wilson, City Manager
3. Mr. Byron Johnson, Financial Services

1ST MOTION

Motion made by Representative Lozano, seconded by Representative Steve Ortega and carried to **AWARD** Solicitation No. 2006-015 Single Stream Curbside Recycling Collection and Processing Services

AYES: Representatives Lilly, Byrd, Lozano, Castro, Steve Ortega and O'Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

2ND MOTION

Motion made by Representative Castro, seconded by Representative Holguin and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion made by Representative Lozano, seconded by Representative Steve Ortega and carried to **AWARD** Solicitation No. 2006-015 Single Stream Curbside Recycling Collection and Processing Services

Award to: Friedman Recycling Co.
Phoenix, AZ
Item(s): Recycling Processing Services
Amount: Revenue \$876,000.00 Est/Year

Department: Environmental Services
Funds available: 34010293-40403-403142
Funding source: Environmental Services, Recycling Revenue
Total award: Revenue \$876,000.00 Est/Year
District(s): All

Environmental Service Department, RW Beck, Consultant and Financial Services, Purchasing Division recommends award as indicated. Friedman Recycling Co. provided the bid that meets all requirements of the Processing specifications.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and that the City Manager be authorized to sign any and all additional contract documents and agreements as necessary. This is a fifteen (15) year contract.

The Collection portion of this solicitation is not being awarded and bids for that are rejected.

AYES: Representatives Lilly, Byrd, Lozano, Steve Ortega and O'Rourke

NAYS: Representatives Castro and Holguin

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **AWARD** Solicitation No: 2006-067 Indian Place Street & Drainage Improvements REBID.

Location: Indian Place from San Jose Road to Forrest Haven Court
Contractor: C. F. Jordan, L. P.
El Paso, Texas

Department: Streets
Funds Available: 14200403-PBE04ST112-29127-508027
Funding Source: 2004 Bond Election
Items: Base Bid I \$795,383.00 Alternate #1 \$8,500.00
Base Bid II \$73,175.00 Alternate #2 \$1,500.00
Base Bid III \$39,300.00 Alternate #3 \$5,415.00

Total Award: \$923,273.00
Estimated Completion Date: August 2006
District(s): 7

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to C. F. Jordan, L. P., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2006-376 AIRPORT

Transfer of funds to increase funding for the Lone Star Golf Course replacement well construction project.

Increase	\$750,000	to	62620022/PAP003341074/508027	Construction
Increase	\$750,000	to	62620022/PAP003341074/407001	IntrafndTrsfrIn
Increase	\$750,000	to	62620017/40107/407002	EstRevenue
Increase	\$750,000	to	62620017/40107/507001	IntrafndTrsfrO

Representative Holguin commented.

Mr. Pat Abeln, Director of Aviation, commented.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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ORDINANCE 16280

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO KERN PLACE MERCHANTS ASSOCIATION TO TEMPORARILY CLOSE A PORTION OF CINCINNATI AVENUE BETWEEN MESA STREET AND STANTON STREET FOR A "MARDI GRAS STREET FESTIVAL" ON TUESDAY, FEBRUARY 28, 2006 AND WEDNESDAY, MARCH 1, 2006.**

Mr. Rudy Valdez, Developmental Services, gave a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Lilly, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, O'Rourke
NOT PRESENT FOR THE VOTE: Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Motion made by Representative Byrd, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE** one (1) week an Ordinance changing the zoning of a portion of Tracts 181 and 183, Sunrise Acres, El Paso, El Paso County, Texas from R-4 (Residential) to C-4/C (Commercial/Condition) and imposing certain conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8625 Gateway South. Applicant: Robert L. Martinez. ZON05-00139

Mayor Cook and Representative Byrd commented.

Mr. Rudy Valdez, Developmental Services, gave a PowerPoint presentation (on file in the City Clerk's office).

The following members of the public commented:

1. Mr. Terry Woodley
2. Mr. Fermin Dorado

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

.....
ORDINANCE 16281

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 12, 13, 14, 15, BLOCK 32, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, O'Rourke
NOT PRESENT FOR THE VOTE: Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
*Motion made, seconded and unanimously carried to **POSTPONE** one (1) week an Ordinance changing the zoning of lots 18 through 24, Block 13, Revised map of Sahara Subdivision, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in chapter 20.68 of the El Paso City Code. Subject Property: Intersection of Saluki Dr, Manila Dr, and McCombs St. Applicant: Portico Homes. Representative: Oscar Andrade ZON05-00137

.....
ORDINANCE 16282

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 4, BLOCK 2, INTERNATIONAL INDUSTRIAL CENTER UNIT 1, EL PASO, EL PASO COUNTY, TEXAS FROM P-I/SP (PLANNED INDUSTRIAL/SPECIAL PERMIT) TO C-4/SP (COMMERCIAL/SPECIAL PERMIT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lozano, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, O'Rourke
NOT PRESENT FOR THE VOTE: Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16283

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 5A, 5D1, AND 6E, BLOCK 19, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN THE CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Rudy Valdez, Developmental Services, gave a PowerPoint presentation (on file in the City Clerk's office).

Representative Lozano commented.

Motion duly made by Representative Lozano, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, O'Rourke
NOT PRESENT FOR THE VOTE: Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16284

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: TRACT 2D4A AND A PORTION OF TRACT 2D4, BLOCK 9, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO R-1 (RESIDENTIAL); PARCEL 2: A PORTION OF TRACT 2D4, BLOCK 9, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO R-4 (RESIDENTIAL); AND PARCEL 3: A PORTION OF TRACT 2D AND TRACT 2D3, BLOCK 9, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO R-4 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Rudy Valdez, Developmental Services, gave a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Steve Ortega, Holguin and Castro commented.

The following members of the public commented:

1. Mr. Mike De Frank
2. Mr. David Driscoll

Motion duly made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, O'Rourke
NOT PRESENT FOR THE VOTE: Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16285

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF "CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2006" IN A PAR AMOUNT NOT TO EXCEED \$40,000,000; APPROVING A PURCHASE CONTRACT; APPROVING AN OFFICIAL STATEMENT; AND ENACTING PROVISIONS RELATED THERETO.**

Mr. Steven Adams, First Southwest Company, gave a PowerPoint Presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Presi Ortega, Jr., Steve Ortega, Holguin and O'Rourke commented

Mr. Ed Archuleta, EPWU General Manager, commented.

Ms. Lisa Turner commented.

1ST MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lilly that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Steve Ortega and O'Rourke
NAYS: Representative Holguin
NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.
ABSTAIN: Representative Castro

2ND MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to reconsider the item.

3RD AND FINAL MOTION

Motion duly made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Steve Ortega and O'Rourke
NAYS: Representative Holguin
ABSTAIN: Representative Castro
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16286

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL A 0.1825 ACRE, MORE OR LESS, PARCEL OF LAND, BEING A PORTION OF LOTS 17, 18, 19, 20 AND 21, BLOCK 65, FRANKLIN HEIGHTS ADDITION (1001-1005 EAST YANDELL), EL PASO, EL PASO COUNTY, TEXAS TO JOSE GARDEA.**

Mr. Byron Johnson, Financial Services, commented.

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke.
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried that City Council **RETIRE** into **EXECUTIVE SESSION** at 8:05 a.m. pursuant to section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 – 551.06 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |
| Section 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |

Discussion and action on the following:

- EX1.** *Jose A. Gonzalez v. City of El Paso, et. al.*, Cause No. EP-05-CA-0447 (551.071)
- EX2.** J.G.W. Food Systems, Inc. (551.071)
- EX3.** *Xerox Capital Services vs. City of El Paso*; Cause No. 2005-3348
- EX4.** Economic development related negotiations with a business prospect and the possible offer of financial or other incentives to the subject business prospect. (551.087)

ADDITION TO THE AGENDA

Melina Castro v. Charlie McNabb, Cause No. 2005-8549 (551.071).

.....
Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **ADJOURN** the Executive Session at 9:13 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.
.....

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried authorizing the City Attorney's Office to reject settlement in the matter of the lawsuit entitled *Jose A. Gonzalez v. City of El Paso, et. al.*, Cause No. EP-05-CA-0447 (551.071)

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried authorizing the City Attorney's Office be authorized to accept a pre-litigation offer to J.G.W. Food Systems, Inc. (551.071)

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and carried to authorize the City Attorney's Office to settle the claim of *Xerox Capital Services vs. City of El Paso*; Cause No. 2005-3348

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Holguin, Steve Ortega, and O'Rourke
NAYS: Representative Castro

NO ACTION WAS TAKEN on the Economic development related negotiations with a business prospect and the possible offer of financial or other incentives to the subject business prospect. (551.087)

ADDITION TO THE AGENDA

NO ACTION WAS TAKEN regarding discussion and action that in the event the Regional Mobility Authority is approved, appointments to this board/committee shall be composed of elected city representatives.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and carried that the CITY OF EL PASO authorizes outside counsel to take any and all action necessary to obtain the dismissal of the cause titled *Melina Castro v. Charles McNabb*, Cause No. 2005-8459 in the 346th Judicial District of El Paso County, Texas, including the seeking of reimbursement of all costs and fees, or negotiate a settlement that includes a public apology by the Plaintiff.

Further, the CITY OF EL PASO declares that the settlement in the case titled *Rita Rodriguez v. The City of El Paso*, Cause Number 2004-4957 in the 34th Judicial District was fair, equitable and beneficial to the City Of El Paso. The CITY OF EL PASO further declares it was well informed of the risks and liabilities associated with the claim and the CITY OF EL PASO is satisfied that Charles McNabb made a full and complete disclosure of any potential or existing conflicts of interest that may have existed in this case. The evaluation letter which was prepared by outside counsel in the Rita Rodriguez matter confirms that the claim made by Rodriguez was not frivolous and the evaluation was consistent with the recommendations by the insurance carrier for the City, the outside counsel, the City Attorney's Office and the mediator.

This Motion is intended to grant broad authority to outside Counsel to take any action necessary to address these matters, including but not limited to, the initiation and response to, litigation, complaints and any other administrative or judicial proceedings or process, in consultation with the City Manager.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representative Holguin
ABSTAIN: Representative Lozano and Castro

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 2:24 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk

*Representative Melina Castro's Statement for record on
Item # 11B - RMA petition 2/14/06*

I would like my comments made part of the record on this very critical issue that is currently before the El Paso City Council.

It is clear that there are definite transportation problems that face our City that are already defined and will only serve to deteriorate over the next several years as a result of several factors, not limited to the growth of Fort Bliss. These areas are most clearly at the Eastern edge of our City, having experienced tremendous growth over the last decade, and with current annexation moving forward will only serve to become more critical.

The proposal that is being forwarded for our consideration, does nothing to address these problems, instead, proposes a project to enhance access into and out of Downtown El Paso from West El Paso, only to the benefit of select special interests. Since there are no revenue studies that have been brought to the public to determine the payment for the proposed project, it can only be assumed that the study defining the entire Border Highway as a toll route is, in fact, the plan for funding.

I cannot neglect to reference one our most recent special interest projects, i.e. The Plaza Theater, which was sold to the public as being good for all El Paso. Such is not the case, since most El Pasoans believe that when completed, the Plaza Theater will be the same Plaza that we grew up with. Nothing could be further from the truth, since it is a Theater for the Fine Arts, and will not be the Movie Theater that we all knew and loved. And no one has yet to come forward with the amounts that will be required to subsidize this facility when completed, on an annual basis.

The same is true with the item before us at City Council today, it is sold as being good for El Paso, and we need to be like the other major cities in Texas. It is portrayed as a way to get money, and we can't let this opportunity slip by.

Nothing is further from the truth, since the monies that are mentioned are monies that must be borrowed. Nobody is giving anything away. Will this one half billion dollar project do anything to relieve congestion on the East side of El Paso. I think not. Will college students actually pay tolls to get to school a little quicker. I think not. Will the quality of life for those living in South El Paso be improved by condemning their homes. I think not. Will the quality of life for those living in South El Paso be improved with an overhead highway casting a shadow on their homes and schools. I think not.

We can do better than this. It is time to send this current madness back to the drawing board, to come up with a plan that benefits all El Paso, not just the special interests who are in favor of putting every public dollar in downtown El Paso.

We have a great City, one that I am proud of. It is great because of its history, culture and people. Irresponsible debt will not make it a better place, instead it will serve to detract from the values of our city and citizens.

I cannot, nor will I ever support this proposal in its current form.